

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALFREDO CORONEL-CRUZ,
Plaintiff,
vs.
ELIZABETH SUITER,
Defendants.

NO. CV-11-5056-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING FIRST AMENDED
COMPLAINT

1915(g)

Magistrate Judge Imbrogno filed a Report and Recommendation on August 8, 2011, recommending Mr. Coronel-Cruz's First Amended Complaint against Defendant Suiter be dismissed without prejudice. ECF No. 6. Plaintiff had failed to present facts demonstrating Defendant Suiter was deliberately indifferent to his serious medical needs under the Eighth Amendment. Plaintiff was granted a further extension of time to file objections. ECF No. 8. He did not do so. There being no objections, the court **ADOPTS** the Report and Recommendation. The First Amended Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
FIRST AMENDED COMPLAINT -- 1

1 U.S.C. § 1915(g). Plaintiff is advised to read the new statutory provisions under 28
2 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three
3 dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file
4 future claims.

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
6 Order, enter judgment, forward copies to Plaintiff at his last known address, and close
7 the file. The District Court Executive is further directed to forward a copy of this Order
8 to the Office of the Attorney General of Washington, Criminal Justice Division. The
9 court certifies any appeal of this dismissal would not be taken in good faith.

10 **DATED** this 26th day of September, 2011.

11 *s/Lonny R. Suko*

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13 LONNY R. SUKO
14 UNITED STATES DISTRICT JUDGE
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